

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)
vs.) CR. NO. 3:07cr080-WHA
ALEXIS RAMON HERRERA-FLORES)

ORDER

This case came on for hearing in open court, with the Defendant and an interpreter present, on the Defendant's Motion to Continue Sentencing and Motion to Withdraw Guilty Plea. After hearing from counsel for the Defendant and the United States concerning a dispute over the appropriateness of an enhancement shown in the presentence report, the court stated that the Rule 11 (c)(1)(C) plea agreement, calling for a sentence of time served or the minimum under the advisory guidelines, whichever was greater, would not be accepted, and that the court would set the case for trial and allow for either a trial or a negotiation of a non-binding plea agreement, and suggesting the trial being set on the term commencing September 15, 2008, in Opelika, Alabama. Counsel agreed that this would be appropriate.

The court advised the Defendant personally, through the interpreter, that since he was before the court on a writ from the State of Alabama, none of his time in custody would be credited against a federal sentence. After a discussion with his counsel, the Defendant acknowledged that he understood, and that he had no objection, and agreed, to a setting for trial on September 15, 2008. Therefore, the court finds that the ends of justice to be served by setting the trial of this case at the time agreed to by counsel and by the Defendant personally outweigh

the rights of the Defendant and the public to a more speedy trial, and it is hereby ORDERED as follows:

1. Defendant's guilty plea is set aside, and this case is set for trial on September 15, 2008, in Opelika, Alabama.

2. Defendant's Motion to Continue Sentencing and Motion to Withdraw Guilty Plea are DENIED as moot.

DONE this 3rd day of July, 2008.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE